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Contact: Amy Louviere  
Phone: 202-693-9423  
Email: [louviere.amy@dol.gov](mailto:louviere.amy@dol.gov)

## **US Labor Department's order involving mine operator's failure to timely notify of roof collapse upheld** *Judge triples proposed penalty against Pine Ridge Coal Co. LLC*

**ARLINGTON, Va.** – The U.S. Department of Labor's Mine Safety and Health Administration today announced that its order charging Pine Ridge Coal Co. LLC of Seth, W.Va., with committing an unwarrantable failure to comply with the law has been upheld by Administrative Law Judge Thomas McCarthy. The order stemmed from the operator's violation of 30 C.F.R. § 50.10, which requires mine operators to notify MSHA of any reportable roof falls without delay – but within no more than 15 minutes – once the operator knows or should know that a reportable accident has occurred.

Pine Ridge waited four days to notify MSHA of the roof collapse that took place at the Big Mountain Number 16 mine located in Boone County, W.Va., and notified MSHA only after the fall was discovered by an MSHA inspector and the violation cited. McCarthy found that the operator's delay was unreasonable and resulted from reckless disregard for its obligations under the Federal Mine Safety and Health Act of 1977. The judge found that Pine Ridge did not have an objective good faith belief that the roof fall was not reportable, particularly given that the accident required the operator to abandon the mine entry altogether and to block off access to prevent travel through that section of the mine. The judge also held that the roof fall had impaired ventilation and had impeded passage in the mine. In addition, the judge tripled the penalty proposed by MSHA, requiring the operator to pay \$6,000 for the violations.

“The Mine Act requires prompt notification of roof collapses because they can be dangerous and have significant impact on the health and safety of miners,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “Operators must take seriously their reporting obligations, and when they don't, must deal with the consequences.”

Rapid notification is required by law in order for MSHA to investigate and issue appropriate orders and approve rehabilitation plans to ensure the safety of miners. Pine Ridge had a history of roof falls at the Big Mountain Number 16 mine.

Pine Ridge Coal Co.; Docket No. WEVA 2010-312

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